

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

T-MOBILE WEST LLC and  
INDEPENDENT TOWER HOLDINGS,  
LLC,

Plaintiffs,

v.

THE CITY OF MEDINA,  
WASHINGTON,

Defendant.

NO. 2:14-cv-1455-RSL

SECOND DECLARATION OF  
GEORGE A. STEIRER

George A. Steirer declares and states:

1. I have been a municipal planner for approximately 17 years. I am over the age of 18 years, competent to testify herein, and make this declaration on personal knowledge of the facts stated.

2. I have read the City of Medina Municipal Code (MMC) related to Wireless Communication Facilities, MMC 20.37.

3. I have read the decision of the Hearing Examiner for the City of Medina, regarding the application of Daniel Schweigard, on behalf of the city of Medina (as lessor) and Independent

1 Towers Holding, LLC (as lessee) for a Special Use Permit and Variances (hereinafter referred to  
2 as 'The Independent Towers Application'), decided August 21, 2014.

3 4. I have reviewed the City of Medina official zoning map, adopted via city ordinance  
4 number 907, which designates the area proposed by The Independent Towers Application as the  
5 "Fairweather Nature Preserve/Park".  
6

7 5. On June 20, 2015 and September 9, 2015 I visited the Fairweather Nature  
8 Preserve/Park, located southeast of the intersection of Evergreen Point Road and Northeast 32<sup>nd</sup>  
9 Street in Medina, Washington. Additionally, I reviewed aerial photographs of the site available  
10 through the internet at the King County "IMAP" Geographic Information System application.

11 6. On June 20, 2015 and September 9, 2015, I visited the site of the Bellevue Christian  
12 School located at 7800 NE 28<sup>th</sup> Street in Medina, Washington. Additionally, I reviewed aerial  
13 photographs of the site available through the internet at the King County "IMAP" Geographic  
14 Information System application.  
15

16 7. I was asked to evaluate The Independent Towers Application and assess whether  
17 the proposed site is the least intrusive site available for T-Mobile's facility. To make that  
18 assessment, I took into account whether T-Mobile likely could obtain land use permits and  
19 approvals required for such a facility in the city of Medina and whether the land owner is likely  
20 willing to lease the site for cell tower use. I executed a declaration with a summary of my opinions  
21 (Dkt. 47). I have prepared this declaration to address issues raised in response to my earlier  
22 declaration.  
23

24 8. Exhibit 1 to my first declaration identified four alternative sites. Alternative Site D  
25 on that map is located on the south side of SR 520, east of Evergreen Point Road. It is sometimes  
26 referred to as the "Park and Ride" site as there used to be a Park and Ride lot there.

1           9.       Exhibit 1 to this declaration is a map with an aerial photograph from 2013, obtained  
2 from King County IMAP. There are parcel lines placed on the aerial photograph downloaded from  
3 the King County GIS Center. The same four alternative sites for the proposal I identified on my  
4 earlier exhibit are shown again on this Exhibit 1. However, I have divided Site D into D-1 and D-  
5 2 to reflect the two parcels, owned by separate entities, that comprise this site. Site D-1 is the  
6 portion of the site that is owned by the Bellevue School District. Site D-2 is the portion of the site  
7 owned by WSDOT. This map also shows the location of T-Mobile's leased premises and its planned  
8 tower facility (designated as "Proposed Site").  
9

10           10.       I have read the Declaration of Heather Gastelum dated June 25, 2015 (Dkt. 58).

11           11.       Ms. Gastelum's declaration identified one portion of Site D as a potential site for the  
12 tower. She identified it by reference to a photograph attached to her declaration as Exhibit D.  
13 Based on a site visit on September 8, 2015, aerial photographs, and photographs taken of the site,  
14 I have identified the approximate area acknowledged by Ms. Gastelum to be available for a tower;  
15 i.e. the area between the two orange cones and the red and white sign visible on the photograph  
16 attached to her declaration as Exhibit D. That location is right at the "D2" label on the map attached  
17 to this declaration (Exhibit 1).  
18

19           12.       Using King County's IMAP program, and ESRI's ArcGIS software, I have  
20 measured 100' feet from the nearest residences in the direction of Site D-1 and D-2 and identified  
21 the distance on the attached Exhibit 1. There is additional area, up to 250 feet or more from the  
22 nearest residence, which could potentially be available for a tower.  
23

24           13.       The area depicted in Exhibit D to Heather Gastelum's June 25, 2015 Declaration as  
25 a site available for a tower is more than 100' from the nearest residence. The site is approximately  
26 150 feet or more from the closest residence.

1           14. I also have assessed whether the area identified by Ms. Gastelum is within the  
2 WSDOT property (D-2) or the school district property (D-1). The vast majority of the area depicted  
3 in Exhibit D to Heather Gastelum's June 25, 2015 Declaration as available for the tower is on  
4 WSDOT's property, not the school district's property. Nowhere in Ms. Gastelum's declaration do I  
5 see any discussion of size, access, or other issues in relation to the part of Site D owned by the  
6 school district -- even though I discussed the school district's ownership of the site in my earlier  
7 declaration. Dkt. 47 at 6.  
8

9           15. Site D extends east from Evergreen Point Road approximately 408 feet on the  
10 School District's portion of the site (D-2) and approximately 284 feet on the WSDOT portion of  
11 the site (D-1).  
12

13           Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and  
14 correct.  
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16           DATED this 11th day of September 2015 at Snoqualmie, Washington.  
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18             
19           GEORGE A. STEIRER  
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